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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

VICTOR PARRA, Jr.,

Plaintiff,

v.

R. HERNANDEZ, et al.,

Defendants.

08CV0191 H CAB

**NOTICE OF MOTION AND
MOTION TO DISMISS
PLAINTIFF'S COMPLAINT BY
DEFENDANTS**

[Fed. R. Civ. P. 12(b)(6)]

Hearing: July 22, 2008

Time: 9:00 a.m.

Courtroom: E

Judge: The Honorable

Cathy Ann

Bencivengo

NO ORAL ARGUMENT REQUIRED

TO VICTOR PARRA, Jr., PLAINTIFF IN PRO SE:

Please take notice that on July 22, 2008 at 9:00 a.m., in the above-referenced court, located at 940 Front Street, San Diego, California, 92101, Defendants will move the Court for an order dismissing the Complaint or portions thereof.

1 The Motion to Dismiss is made pursuant to Federal Rule of Civil Procedure 12(b)(6) on the
2 ground Plaintiff failed to state a claim for which relief may be granted.

3 The motion is based on this Notice of Motion and Motion, the accompanying Memorandum
4 of Points and Authorities, and such other matters as the Court deems appropriate.

5 Dated: May 23, 2008

6 Respectfully submitted,

7 EDMUND G. BROWN JR.
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9 FRANCES T. GRUNDER
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12 /s/ Sylvie P. Snyder

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